

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

901 NORTH 5TH STREET

KANSAS CITY, KANSAS 66101

BEFORE THE ADMINISTRATOR

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ENVIRONMENTAL PROTECTION
AGENCY REGION VII
REGIONAL HEARINGS CLERK

IN THE MATTER OF

Thyssenkrupp Stahl Company

f/k/a Stall Specialty Company

111 East Pacific

Kingsville, Missouri 64061

Respondent

Proceeding under Section 309(a)(3)

of the Clean Water Act,

33 U.S.C. § 1319(a)(3)

Docket No. CWA-07-2003-0132

FINDINGS OF VIOLATION

AND AMENDED ORDER FOR

COMPLIANCE ON CONSENT

I. Statutory Authority

1. The FINDINGS OF VIOLATION are made and AMENDED ORDER FOR COMPLIANCE ON CONSENT is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Section 309(a)(3) of the Clean Water Act ("CWA or the "Act"), 33 U.S.C. § 1319(a)(3), as delegated by the Administrator to the Regional Administrator, EPA Region VII, and further delegated to the Director, Water, Wetlands and Pesticides Division, EPA Region VII.

2. A Findings of Violation and Order for Compliance (hereafter "Order") in this matter was issued by the EPA on April 23, 2003, to Thyssenkrupp Stahl Company, f/k/a Stall Specialty Company (hereafter "Respondent"). The Order alleged violations by Respondent of Section 307(d) of the Act, 33 U.S.C. § 1317(d), and 40 CFR §§ 403.12(e) and 464.15.

3. EPA and Respondent, having determined that settlement of this matter is in the best interest of both parties, come now and enter into this Findings of Violation and Amended Order for Compliance on Consent (hereafter "Consent Order for Compliance").

4. Respondent admits the jurisdictional allegations of the April 23, 2003, Findings of Violation and Order for Compliance.

5. Respondent neither admits nor denies the factual allegations set forth in the April 23, 2003, Findings of Violation and Order for Compliance.

6. Respondent consents to the issuance of the Consent Order for Compliance hereinafter recited.
7. Each signatory below certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Order for Compliance.

IV. Consent Order for Compliance

8. Based on the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), Respondent CONSENTS and is hereby ORDERED as follows:

9. Respondent shall, upon receipt of this Consent Order for Compliance, perform pretreatment analyses, order and install pretreatment equipment and provide EPA with reports as follows:

- a. By December 15, 2003, Respondent shall provide EPA with a report regarding the status and results of engineering analysis for compliance with the Metal Molding and Casting Categorical Pretreatment Standard, 40 CFR Part 464. The report shall include:
 - i) sampling data for all analyses upon which the report is based;
 - ii) a statement as to whether or not Respondent intends to install pretreatment equipment in order to meet the applicable standards in 40 C.F.R. Part 464, and if so, a description of that equipment; and
 - iii) if the Respondent intends to install pretreatment equipment, it shall do so according to the schedule provided in paragraphs b through e, below.
- b. By no later than February 1, 2004, Respondent shall provide EPA with information confirming that pretreatment equipment necessary to comply with the Metal Molding and Casting Categorical Pretreatment Standard has been ordered. This notice shall describe the equipment ordered and provide the estimated receipt date.
- c. Within ten (10) days of receipt of the equipment, Respondent shall provide EPA with information that the pretreatment equipment ordered – as identified in section b above – has been received.
- d. Within forty-five (45) days of receipt of the pretreatment equipment, as identified in paragraph c above, Respondent shall submit a report to EPA that includes:
 - i) a description of the pretreatment system installed, including treatment capacities of each unit;
 - ii) identification of each outfall and the processes that apply to each such outfall; and
 - iii) three days of sampling results to demonstrate compliance for pollutants identified in the Metal Molding and Casting Point Source Category, 40 CFR 464.15, including flow (gallons per day), copper (milligrams per liter or “mg/l”), lead (mg/l), zinc (mg/l), TTO (mg/l) and oil and grease (mg/l).

e. If Respondent's report under paragraph d above does not demonstrate compliance with the requirements of the Metal Molding and Casting Point Source Category, Respondent shall within ten (10) days of submittal of the report under paragraph d. submit a plan and schedule (hereafter "Plan") to EPA for review and approval.

i) The Plan shall describes the actions and time frames for achieving compliance. EPA may require Respondent to make reasonable changes to the Plan.

ii) Upon receipt of EPA's written approval of the Plan, Respondent shall implement the Plan as so approved.

iii) The approved Plan shall be enforceable under the terms of this Consent Order for Compliance.

iv) If EPA finds that Respondent is not in compliance with this Consent Order for Compliance, EPA may terminate this Consent Order for Compliance and initiate a separate action to resolve future compliance issues.

11. All reports and submittals required by this Consent Order for Compliance shall be submitted to EPA with a copy to MDNR at the following addresses:

Paul T. Marshall, P.E.
Water, Wetlands and Pesticides Division, WENF
U.S. Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101
Phone: 913-551-7419

Rick Kuntz, P.E.
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102
Phone: 573-751-6996

V. General Provisions

Effect of Compliance with the Terms of This Consent Order for Compliance

12. Compliance with the terms of this Consent Order for Compliance shall not relieve Respondent of liability for, or preclude EPA from initiating, an enforcement action to recover penalties for any violations of the CWA not addressed herein or by the Consent Agreement and Final Order for EPA Complaint Number CWA-07-2003-0133, or from seeking additional injunctive relief, pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

13. Respondent shall comply with all other applicable laws, regulations, standards, and requirements contained in any applicable local, State and Federal pretreatment laws, regulations, standards, and requirements including any such laws, regulations, standards, or requirements that may become effective during the term of this Consent Order for Compliance.

14. This Consent Order for Compliance does not constitute a waiver or a modification of any requirements of the Clean Water Act, 33 U.S.C. § 1251 et. seq., all of which remain in full force and effect. The EPA retains the right to seek any and all remedies available under Section 309 of the Act, 33 U.S.C. § 1319, for any violation cited in this Consent Order for Compliance. Issuance of this Consent Order for Compliance shall not be deemed an election by EPA to forgo any civil or criminal action to seek penalties, fines, or other appropriate relief under the Act for any violation whatsoever.

Access and Requests for Information

15. Nothing in this Consent Order for Compliance shall limit EPA's right to obtain access to, and/or to inspect Respondent's facility, and/or to request additional information from Respondent, pursuant to the authority of Section 308 of the CWA, 33 U.S.C. § 1318 and/or any other authority.

Severability

16. If any provision or authority of this Consent Order for Compliance, or the application of this Consent Order for Compliance to Respondent, is held by federal judicial authority to be invalid, the application to Respondent of the remainder of this Consent Order for Compliance shall remain in full force and effect and shall not be affected by such a holding.

Effective Date


17. The terms of this Consent Order for Compliance shall be effective and enforceable against Respondent upon its receipt of an executed copy of the Consent Order for Compliance.

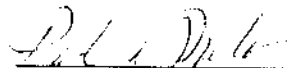
Termination

18. This Consent Order for Compliance shall remain in effect until a written notice of termination is issued by an authorized representative of the U.S. Environmental Protection Agency. Such notice shall not be given until all of the requirements of this Consent Order for Compliance have been met.

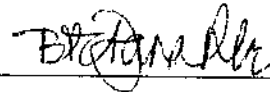
Issued this 5th day of November, 2003.

FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY


Leo J. Alderman, Director
Water, Wetlands and Pesticides Division


Patricia Gillispie Miller
Senior Assistant Regional Counsel

FOR THYSSENKRUPP STAHL COMPANY

By: 
Name: B.R. DANAHER
Title: President

IN THE MATTER OF Thyssenkrupp Stahl Company f/k/a Stahl Specialty Company ,
Respondent
Docket No. CWA-07-2003-0132

CERTIFICATE OF SERVICE

I certify that the foregoing Findings of Violation and Amended Order for Compliance on Consent was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Patricia Gillispie Miller
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

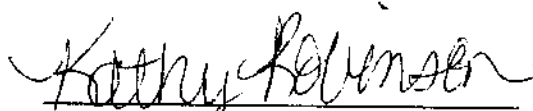
Copy by U.S. Certified Mail,
Return Receipt Requested, to:

Brian Danaher, President
Thyssenkrupp Stahl Company
111 East Pacific
P.O. Box 6
Kingsville, Missouri 64061-0006

Thomas P. McElligott
Quarles & Brandy, LLP
411 East Wisconsin Avenue, Suite 2040
Milwaukee, Wisconsin 53202-4497

Scott B. Totten
Water Protection and Soil Conservation Division
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

Dated: 11/7/03


Kathy Robinson
Regional Hearing Clerk